

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

GAIL HINTERBERGER, BEVERLY WEISBECKER,  
CYNTHIA WILLIAMS and MARCIA CARROLL, *on  
behalf of themselves and all other employees similarly  
situated,*

*Plaintiffs,*

v.

CATHOLIC HEALTH SYSTEMS, INC., et al.,

*Defendants.*

NOTICE OF MOTION  
**Civil Action**  
No. 08-CV-0380 (WMS)

**MOTION BY:**

Plaintiffs.

**RELIEF REQUESTED:**

An order compelling defendants to engage in meaningful meet and confer discussions regarding an ESI protocol with both parties' respective ESI experts/consultants; and an order that if the parties are unable to agree upon an ESI protocol by a deadline set by the Court, that each side submit its own proposed ESI protocol to the Court for a ruling as to which protocol should be adopted in this case.

**BASIS FOR RELIEF REQUESTED:**

Federal Rule of Civil Procedure 26 and applicable case law.

**SUPPORTING PAPERS:**

Memorandum of Law in Support of Motion to Compel, Affirmation of Sarah E. Cressman with Exhibits.

**PLACE:**

United States District Court  
Western District of New York  
2 Niagara Square  
Buffalo, New York 14202

**DATE AND TIME:**

To be determined by the Court

**REPLY PAPERS:**

Pursuant to Local Rule 7.1(c), plaintiffs intend to file and serve reply papers.

Dated: October 5, 2012

**THOMAS & SOLOMON LLP**

By:

s/ Sarah E. Cressman

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